

REMARKS

I. OBVIOUSNESS-TYPE DOUBLE PATENTING

Claims 1 to 3 and 5 to 13 of the above-identified U.S. Patent Application were provisionally rejected under the judicially created doctrine of obviousness-type double patenting (ODP) over claims 1 to 14 of co-pending application Ser. No.10/806,761.

A terminal disclaimer has been filed under 37 CFR 1.321 (c) in order to overcome this ODP rejection. The undersigned attorney of record has signed the terminal disclaimer.

The terminal disclaimer disclaims that portion of the term of the patent that will issue on the instant application that extends beyond the term of any patent that issues on the co-pending US Patent application, Ser. No. 10/806,761, of course with required qualifications in the terminal disclaimer, such as continuing ownership of the both applications/patents by the same owner. Schott AG commonly owns 100 % of the present application and U.S. Patent Application Ser. No. 10/806,761.

For the foregoing reasons and because of the accompanying signed terminal disclaimer, withdrawal of the provisional double patenting rejection of claims 1 to 3 and 5 to 13 under the judicially created doctrine of obviousness-type double patenting over claims 1 to 14 of co-pending U.S. Patent Application Ser. No. 10/806,761 is respectfully requested.

II. ALLOWABLE SUBJECT MATTER

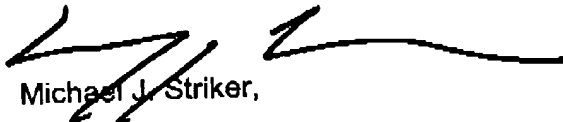
Claim 14 was found to contain allowable subject matter and would be allowed if rewritten to include the features and limitations of the claims on which it depended.

It should not be necessary to rewrite claim 14 in the suggested manner because claim 1 should be allowed because of the filing of the signed terminal disclaimer.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,



Michael J. Striker,
Attorney for the Applicants
Reg. No. 27,233